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Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 14 March 2008 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Korea to the United Nations presents its compliments to the President of the General Assembly at its sixty-second session and has the honour to inform him that the Government of the Republic of Korea has decided to present its candidature for membership to the Human Rights Council in the elections to be held in May 2008, during the sixty-second session of the Assembly, in New York.

In this regard, the Government of the Republic of Korea has the honour to submit herewith a written pledge of its commitment to the promotion and protection of human rights in accordance with General Assembly resolution 60/251 (see annex). The Permanent Mission of the Republic of Korea would be grateful if the present note verbale and its annex, could be circulated as a document of the Assembly under agenda item 113 (d).

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Annex to the note verbale dated 14 March 2008 from the Permanent Mission of the Republic of Korea to the United Nations addressed to the President of the General Assembly

The Permanent Mission of the Republic of Korea to the United Nations presents its compliments to the Permanent Missions of all Member States to the United Nations and has the honour to inform them that the Government of the Republic of Korea has decided to present its candidature for the United Nations Human Rights Council for the period 2008-2011 in the elections to be held in May 2008.

The Republic of Korea attaches the utmost importance to the advancement of human rights as a fundamental universal value. Along with consistent efforts towards enhancing human rights standards at the domestic level, the Republic of Korea is firmly committed to contributing to the promotion and protection of human rights around the world.

As an active member of the United Nations Human Rights Council since 2006, the Republic of Korea hopes to continue to play a constructive role in the advancement of human rights and fundamental freedoms as well as in the development of the Council.

The Permanent Mission of the Republic of Korea takes this opportunity to submit to the Member States a record of its voluntary pledges and commitments to protect and promote all human rights in accordance with General Assembly resolution 60/251 (see enclosure).

The Government of the Republic of Korea would highly appreciate the valuable support of all Member States of the United Nations for its candidature to the Human Rights Council.

29 January 2008
New York

Enclosure

Republic of Korea

Voluntary pledges and commitments on human rights in accordance with General Assembly resolution 60/251

I. Background

The Government of the Republic of Korea (ROK) continues to place great importance on human rights as a universally shared value steadfastly advocated by the United Nations for six decades. The promotion and protection of human rights is a priority in the ROK's national as well as foreign policy goals.

Having been inspired by the UN's commitment to human rights and fundamental freedoms throughout its own process of democratization and economic development, the ROK attests to the imperative of human rights in the betterment of societies. The Government of the ROK, as a current Member State of the Human Rights Council (HRC), is firmly committed to continuing to do its part in promoting human rights worldwide as well as within Korea.

The ROK is a signatory to the following six major human rights treaties, and to most of their Optional Protocols, regularly submitting reports on their implementation:

- International Covenant on Economic, Social and Cultural Rights (1990)
- International Covenant on Civil and Political Rights (1990)
- Convention on the Elimination of All Forms of Discrimination against Women (1985)
- International Convention on the Elimination of All Forms of Racial Discrimination (1979)
- Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1979)
- Convention on the Rights of the Child (1991)

Since its entry into the UN in 1991, the ROK has been actively involved in the work of the key human rights organizations of the United Nations. As a member of the Commission on Human Rights in the past and a founding member of the Human Rights

Council since 2006, the Government of the ROK has been playing an active role in advocating human rights around the globe by contributing to a wide range of discussions and programs for the promotion of all aspects of human rights.

Furthermore, in the conviction that human rights is best served by democracy and democratic governance, it has played a leading role in the formation of the Community of Democracies (CD). It has subsequently played a key role in the work of the CD as a member of the Convening Group (CG).

In the Republic of Korea, the National Human Rights Commission (NHRC) was established in November 2001 with the mandate to investigate and remedy human rights violations, to provide education and raise public awareness in the field of human rights, to conduct research, and to recommend legislative, institutional, or policy initiatives relating to human rights. The Commission has become an indispensable institution for the promotion and protection of human rights in the Republic of Korea.

The Government of the ROK is very pleased to report that it acceded in October 2006, as it had pledged in the context of its candidature to the HRC in May 2006, to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). And the ROK made the declaration with respect to articles 21 and 22 of the convention against Torture and other Cruel, Inhuman or Degrading Treatment of Punishment. In addition, the Government of the ROK signed the Convention on the Rights of Persons with Disabilities in March 2007, and it plans to sign the International Convention for the Protection of All Persons from Enforced Disappearance.

In addition, following UN recommendations, the National Action Plan on Human Rights (NAP) for 2007-2011 was finalized in May 2007(summary attached). This blueprint for our human rights policy envisions a variety of institutional provisions to protect socially vulnerable and minority groups.

The Government of the ROK has also adopted legal amendments to ensure the advancement of human rights in a wide array of fields. These include gender equality (the abolishment of the male-dominated family registry system), labor rights (revisions of the labor law allowing teachers and public servants to engage in union-related activities), and non-discriminatory measures for foreign nationals.

II. Pledges and Commitments

In line with its dedication to the noble aim of the promotion and protection of human rights, the Republic of Korea commits itself:

To further advance human rights at the national level:

1. **By taking the following steps with respect to and to the withdrawal of reservations made to and the participation in the UN human rights instruments in accordance with the recent advancement of human rights in the ROK including legal amendments and institutional developments in a wide array of fields:**
   - **examining the withdrawal of its reservations made to the CEDAW Convention (16-1-g) in the near future;**
   - **considering the accession of the Optional Protocol to the UN Convention against Torture in the near future;**
   - **considering the ratification on the Convention on the Rights of Persons with Disabilities.**
   - signing the International Convention for the Protection of All Persons from Enforced Disappearance;

2. **By continuing to consider the ratification of the ILO Fundamental Conventions :**
   - **Freedom of Association and Protection of the Right to Organize Convention (No.87)**
   - **Right to Organize and Collective Bargaining Convention (No.98)**
   - **Forced Labour Convention (No.29)**
   - **Abolition of Forced Labour Convention (No.105)**

3. **By duly implementing the 'National Action Plan on Human Rights (NAP)' for 2007-2011. The NAP, a blueprint for human rights policy, will set out guidelines for the advancement of human rights in a comprehensive and forward-looking manner.**

4. **By enhancing cooperation and partnership with civil society in ensuring the protection of human rights and good governance in the process of the formulation, implementation and evaluation of public policy.**

5. By strengthening human rights education to enhance public awareness and thereby incorporate human rights into the mainstream in all sectors of society.

To further contribute to the advancement of human rights at the international level:

1. By supporting member states in their implementation of human rights obligations with technical cooperation as well as encouraging states to become parties to the core human rights treaties.

2. By offering cooperation at the bilateral level as well as through the UN system for the strengthening of democracy, good governance, the rule of law and respect for human rights and fundamental freedoms.

3. By contributing to ongoing work aimed at improving the international human rights framework, such as reform of the treaty body system and the work of the OHCHR.

4. By cooperating fully with the treaty monitoring bodies, including through the timely submission of periodic reports, and acting promptly and in good faith on their concluding observations and recommendations.

5. By promoting intra- and cross-regional democratic progress and cooperation such as by providing technical expertise and offering full cooperation to countries requesting assistance in building democratic institutions and playing an active role in within the framework of the Community of Democracies (CD).

6. By participating actively in the discussions for the creation of regional and sub-regional machinery for the promotion and protection of human rights in the Asia-Pacific region.

7. By contributing to the process of identifying and clarifying standards with regard to new human rights issues such as those in bioethics and information technology.

To contribute to the work of the Human Rights Council :

1. **By actively taking part, in the spirit of dialogue and cooperation, in the HRC's activities and discussions for the mainstreaming of human rights.**

2. **By doing its share to enable the Council to respond promptly and effectively to human rights abuses.**

3. **By demonstrating a strong commitment to the realization of civil, political, economic, social and cultural rights with the same emphasis on each and on an equal footing.**

Attached: Summary of the National Action Plan for the Promotion and Protection of Human Rights - END -

(Attachment)

Summary of the National Action Plan for the Promotion and Protection of Human Rights of the Republic of Korea

I. Foreword

- The National Action Plan for the Promotion and Protection of Human Rights of the Republic of Korea (National Action Plan, NAP) is a comprehensive plan for human rights policies of the Government of the Republic of Korea, with an aim to improve the laws, systems and practices related to human rights. It provides a blueprint for the national human rights policies at domestic and international levels.
- The National Action Plan 2007-2011 is the first comprehensive plan on human rights adopted by the Korean Government.

II. Purpose of the NAP

- Reaffirmation of the Government's responsibilities for the protection and promotion of human rights
- Declaration of national human rights policies at domestic and international levels
- Linkage and integration of various government policies on the basis of human rights
- Development of human rights policies taking account of the international human rights standards and the recommendations of the treaty bodies
- Promotion and protection of civil and political rights
- Assurance of social safety net in the era of polarization
- Improvements of the overall quality of life
- Integrating society through the respect for diversity and elimination of discrimination against socially underprivileged and minority groups
- Heightening public awareness of human rights issues

III. Preparation Process for the NAP

1. Ministerial Meeting

- Decisions at the ministerial meeting in January 2006
  - The Ministry of Justice is responsible for overseeing and collating policies established by relevant ministries
  - Decisions on the NAP is made by the National Committee of Policies of Human Rights
  - Finalization of the NAP through public debate and consensus

2. Recommendation by the National Human Rights Commission of Korea

- Recommendation on the formulation of the NAP was made in February 2006

3. Consultations among Relevant Ministries

- Consultations among relevant ministries for the preparation of the NAP from April 2006 to March 2007

4. Public Hearings

- 4 December 2006 First public hearing for the draft NAP
- 13 February 2007 Second public hearing for the draft NAP

5. Adoption of the NAP and Report at the Cabinet Meeting

- 30 April 2007 Working-level Committee of Policies of Human Rights
- 4 May 2007 National Committee of Policies of Human Rights adopted the NAP
- 10 May 2007 Report to the Vice-Ministerial Meeting
- 22 May 2007 Report to the Cabinet Meeting

IV. Content

1. Composition of the NAP

Chapter 1 : Preface
Chapter 2 : Protection and Promotion of the Civil and Political Rights
Chapter 3 : Protection and Promotion of Economic, Social and Cultural Rights

Chapter 4 : Human Rights for the Minorities and Socially Vulnerable Groups
Chapter 5: Human Rights Education, International Cooperation for Human Rights, and the Implementation of the International Human Rights Treaties
Chapter 6 : Follow up and evaluation of the NAP

2. Format of Chapters 2 through 5

- Includes domestic standards, international standards, domestic situation and recommendations of international human rights treaty bodies
- Presents detailed implementation schemes on the issues

3. Main Issues Included in the NAP

a. Reform of the death penalty system (Right to life)

- Examines current death penalty system in laws and practices and considers the desirability of maintaining the death penalty system or introducing absolute life imprisonment (without the possibility of parole) as the substitute for death penalty

b. Reviews of the issues related to conscientious objection to military service and alternative service (Freedom of thought, conscience, and religion)

- Follow-up measures will be taken based on the results of the reviews conducted by the Research Committee on Alternative Service under the Ministry of National Defense

c. Prevention of the abuse of the National Security Act (Freedom of thought, conscience, and religion)

- With respect to the crimes that violate the National Security Act, but do not pose direct threat to national security, depending on the cases, measures such as suspension of indictment are taken for flexible and prudent applications

d. Implementation of the Scheme on the Protection of Non-regular Workers (Right to work)

- The Government is proceeding with its protective schemes for non-regular workers including the application of 'Act on Protection of Fixed-term Workers' and 'Act on Protection of the Dispatched Workers', comprehensive plans for non-regular workers in the public sector, and protection of special type workers

V. Implementation of the NAP

- The National Action Plan will be implemented from the time of the promulgation to 2011 through the cooperation of relevant government ministries
- Each ministry will submit an yearly report to the National Committee of Policies of Human Rights on the implementation outcome of the NAP, and the National Committee will release those reports to the public
- The National Committee will fully evaluate the implementation of the NAP and will reflect the results on the next NAP

Reference

Contents of Chapter 2: Promotion and Protection of Civil and Political Rights

Right to life: Death penalty system, suicide prevention projects, etc.

Personal freedom: Arrest system reform, promotion of criminal procedural rights, improvement on the treatment of detainees, inspections of protection facilities for foreigners, human rights of patients within mental health facilities, etc.

Freedom of movement and residence: Promotion of mobility rights for the disabled, enhancement of the 'Immigration Act', etc.

Right to privacy: Protection of privacy from surveillance equipment, protection of privacy/reputation from communication networks, restricted use of the resident registration number, enactment of the 'Act on the Protection of Personal Information', etc.

Freedom of thought, conscience and religion: Reviews related to conscientious objection to military service, prevention of abuse of the National Security Act, etc.

Freedom of speech, publication, assembly and association: Extended provision of information, expansion of subtitled broadcasting services, better access to the internet, rational application of the 'Act on Assembly and Demonstration', etc.

Right to vote: Provision of facilities for disabled voters, system for overseas absentee voting, guarantee of career opportunities in civil service for women, disabled persons, etc.

Right to remedy for the damage of one's rights and interest: Consolidation of independence and fairness of the military court, system building for human rights protection within the military, etc.

Contents of Chapter 3: Promotion and Protection of Economic, Social, and Cultural Rights

Right to Education: Reinforcement of basic education, financial assistance for school meals, guarantee of education for the disabled, etc.

Right to work: Schemes for the protection of non-regular workers, protection of domestic workers' rights, employment assistance for the disabled, extended application of the Labor Standard Act, consolidation of the rights to health and safety, etc.

Three basic rights of the workers: Guarantee of the three basic rights of non-regular workers, permission for multiple unions at enterprise level, etc.

Right to economic activities: Startup assistance for the disabled, less restrictions on changing workplaces for the migrant workers, introduction of consumer group lawsuits, etc.

Right to adequate standard of living: Improvement of the National Basic Livelihood System, extended application of the Industrial Accident Insurance Compensation Act, expansion of unemployment benefit, postponement on the suspension of power supply and supply of minimum power, expansion of water supply in the less developed regions, guarantee of food safety, and supply of lease housing, etc.

Rights to health, welfare and environment: Expansion of medical payment for low-income class, assistance for the infant healthcare management, reinforcement of medical security for the elderly, financial support for the medical payment for patients with rare and incurable diseases, improvement of atmospheric and marine environments, etc.

Rights to culture and art: System building for local cultural development, expansion of opportunities for cultural enjoyments, etc.

Right to family life: Strengthening maternity protection system, family care policy, expansion of the state-operated/public childcare facilities, childcare support for one parent households, assistance for domestic adoption, etc.

Contents of Chapter 4 : Human Rights for the Minorities and Socially Vulnerable Groups

Women: Prevention of sex trade and victim protection, prevention of domestic and sexual violence, victim protection, etc.

Children and youth: Expansion of youth participation bodies, prevention of child abuse, protection of neglected children, consolidation of support system building for youth integration in the local communities, etc.

The disabled: Improvements of legislations and systems relating to the Disability Discrimination Act, increase in the amount of the disability allowance and the disabled child support, rehabilitation-oriented medical security system for the disabled, personal assistant system for the severely disabled, etc.

The elderly: System for long-term medical treatment, assistance for housing renovation for the elderly households, human rights protection of the elderly within welfare facilities, etc.

Crime victims: Remedial schemes, human rights protection of the crime victims in the criminal procedure, protection of privacy, personal protection, etc.

Foreigners: Implementation of the 'Basic Act on the Treatment of Foreign Residents in Korea', language assistance, support for counseling, culture and social integration, etc.

Overseas Koreans: New visa regulations regarding travel and work for ethnic Koreans living in China and the former Soviet Union, etc.

Refugees: Assistance and protection of rights and interest of the applicants for refugee status and those who have been granted with the refugee status, fairness in the refugee status review procedure, etc.

North Korean defectors: Assistance for employment and settlement, strengthening adjustment abilities of the North Korean youth defectors in schools, etc.

People with medical conditions and the sexual minority: Revision of the 'Prevention of the Acquired Immuned Deficiency Syndrome Act', guarantee of human rights for people with Hansen's Disease, etc.

Contents of Chapter 5: Human Rights Education, International Cooperation for Human Rights and the Implementation of the International Human Rights Treaties

Human rights education: General human rights education, human rights education in schools, human rights education for public officials and workers in the human rights sector, socially vulnerable and minority groups, enterprises and media professionals, promotion of human rights education for the general public, etc.

Domestic and international cooperation for human rights:
Civil participation, support for private organizations, participation in international conferences concerning human rights, Official Development Assistance (ODA), humanitarian projects on North Korea, efforts for the improvement of North Korean human rights, etc.

Implementation of the international human rights treaties: Additional accessions, ratifications and withdrawals of reservations for international human rights treaties, etc.